

Notice of Allowability

Application No.

09/692,455

Examiner

Nga B. Nguyen

Applicant(s)

FUJITA, SATORU

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on December 19, 2006.
2. ☒ The allowed claim(s) is/are 28, 29, and 33-57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on December 19, 2006, which paper has been placed of record in the file.
2. Claims **28, 29, and 33-57** are pending in this application.

Allowable Subject Matter/Reasons for Allowance

3. Claims **28, 29, 41 and 49** are allowed over the prior arts cited records.

The closest prior arts are:

1) Eder (US 5,615,109) discloses an inventory optimization techniques based on discount information and the like which is dependent on a purchase unit, a unit cost price, and a purchase amount of items to be purchased from a plurality of vendors. Although multiple items are handled, Eder does not disclose a combinational profit of multiple items, but an inventory management by purchasing optimal items from optimal vendors taking forecasts of sales, their risks, and the like into account. In other words, Eder proposes how to purchase items so as to enhance inventory management under changing conditions. Eder does not disclose a combinational profit of two or more different types of bid items, but an inventory management scheme for purchasing items from vendors taking forecasts of sales, their risks, and the like into account.

2) Ojha (US 6,598,026) discloses a marketplace on the Internet and a bidding system in which products and prices are bid while negotiating between buyers and sellers. Ojha proposes not only a method of price negotiation as to products, but also a method of price negotiation with selected ones of sellers for selected ones of a plurality

of products. Ojha does not take into account a risk of a variation in price due to bidding, but proposes only a method of price negotiation with selected ones of sellers for selected ones of a plurality of products.

Therefore, it is clear from the description of Eder's and Ojha's inventions that the prior arts do not considered the possibility of: f) determining, by the computer, to bid on the bid item Y in cases where (i) the Conditions 1 and 2 are satisfied, or (ii) the Condition 1 is satisfied, the Condition 2 is not satisfied, and the Condition 3 is satisfied; and g) determining, by the computer in accordance with a parameterized decision function, whether or not to bid on the bid item Y in a case where the Condition 1 is satisfied and the Conditions 2 and 3 are not satisfied, as included in claim 28; f) determining, by the computer, not to bid on the bid item Y when the Condition 1 is not satisfied and at least one of the Conditions 2 and 3 is satisfied; and g) determining, by the computer in a case where the Conditions 1 and 2 and 3 are not satisfied, whether or not to bid on the bid item Y based on a result that is calculated in accordance with a parameterized decision equation, as included in claim 29; determining to bid on the first bid item when it has been determined that the present price of the first bid item in the first auction is less than one-half of the difference of (i) the sum of the total purchasing fund and the first preset value and (ii) the second preset value; and determining to bid on the first bid item when it has been determined that the difference of the present price of the first bid item in the first auction and the first preset value is less than the difference of the present price of the second bid item in the second auction and the second preset value, as included in claim 41; determining not to bid on the

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first bid item when it has been determined that the present price of the first bid item in the first auction is greater than the difference between the combinatorial value and the second preset value; and determining not to bid on the first bid item when it has been determined that the sum of the present price of the first bid item in the first auction and the present price of the second bid item in the second auction is greater than the combinatorial value, as included in claim 49.

4. Claims (38-40, 54), (33-37, 55), (42-48, 56) and (50-53, 57), are allowed because they are dependent claims of the allowable independent claims 28, 29, 41 and 49 above, in that order.

Conclusion

5. Claims **28, 29**, and **33-57** are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571) 272-6777.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

7. Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:


(703) 872-9306 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox Building, 501 Dulany
Street, Alexandria, VA, First Floor (Receptionist).


NGA NGUYEN
PRIMARY EXAMINER

March 15, 2007